

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 2ND DAY OF SEPTEMBER 2015/11TH BHADRA, 1937

Bail Appl..No. 4973 of 2015

CRIME NO. 2233/2015 OF ALUVA EAST POLICE STATION, ERNAKULAM DISTRICT.

PETITIONERS/ACCUSED NOS.5 AND 10:

- 1. SULAIMAN @ USTAD, AGED 32 YEARS,
S/O.IBRAHIM, MALIYEKKAL HOUSE,
EDAYAPPURAM P.O, ALUVA.**
- 2. SHAFEEK P.I, S/O.ISMAIL,
PULHUPARAMBIL HOUSE, PINARMUNDA,
PERINGALA P.O, ERNAKULAM DISTRICT.**

**BY ADVS.SRI.ALAN PAPALI
SRI.SOJAN MICHEAL
SRI.J.VIMAL**

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
(CRIME NO 2233/2015 OF ALUVA EAST POLICE
STATION) REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI - 682031.**

BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 02-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

A. HARIPRASAD, J.

Bail Appl. No.4973 of 2015

Dated this the 2nd day of September 2015

O R D E R

Petition filed under Sec.438 Cr.P.C.

2. Petitioners are accused nos.5 and 10 in Crime No.2233 of 2015 of Aluva East Police Station registered for the offences punishable under Secs.120B, 143, 144, 147, 148, 323, 324, 341, 342, 354(a), 362, 395 and 506(ii) read with Sec.149 of the Indian Penal Code, Sec.27 of the Arms Act and Sec.23 of the Juvenile Justice Act. The prosecution case in short is that, on 05.07.2015 at about 6.30 p.m., the accused persons, as members of an unlawful assembly, kidnapped the defacto complainant in an Innova car and wrongfully confined her. Further, they have brutally assaulted her and committed decoity by forcibly taking her gold ornaments.

3. Heard both sides.

4. Learned counsel for the petitioners submitted that custodial interrogation of the petitioners is not necessary as the investigation in the case has

advanced to a considerable extent. It is also submitted that the defacto complainant is a lady of a shady character involved in various crimes.

5. Learned Public Prosecutor, opposing the bail application, contended that there are definite allegations against the petitioners. The 5th accused is said to be the leader of a gang wherein the 10th accused is a member. That apart, it is the allegation that the petitioners have physically assaulted the defacto complainant for the reason that she owed money to the 5th accused. It is also submitted that the weapon alleged to have used in the incident have not been recovered.

6. Considering the nature of allegations and gravity of the offences, I am of the view that the petitioners are not entitled to get any order under Sec.438 Cr.P.C.

The petitioners shall surrender before the investigating officer within a period of two weeks and after questioning them, the investigating officer shall produce the

petitioners before the learned Magistrate having jurisdiction. In that event, the petitioners can move for bail. The learned Magistrate shall consider the matter on merits as expeditiously as possible.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

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P.A. To Judge